

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA §  
§  
v. § NO. 4:17CR39  
§ Judge Mazzant  
§  
ANTHONY SHELTON (1) §

## **ELEMENTS OF THE OFFENSE**

You are charged in Count Four of the First Superseding Indictment with a violation of 18 U.S.C. § 249(a)(2), Hate Crimes Acts and § 2 Aiding and Abetting. The essential elements which must be proved beyond a reasonable doubt in order to establish a violation of that section are:

## **18 U.S.C. § 249(a)(2), Hate Crimes Acts**

1. The defendant willfully caused bodily injury through the use of a firearm;
2. The harm occurred in connection with use of a channel, facility, and instrumentality of interstate commerce, the app and the internet, to commit the crime; and
3. The defendant did so because of the actual or perceived religion, national origin, gender, sexual orientation, gender identify, or disability of any person.

**18 U.S.C. § 1201(a)(1), Federal Kidnapping Act**

1. That the defendant, knowingly acting contrary to law, kidnapped seized, confined inveigled the victim as charged.

2. That the defendant held the person for ransom, reward, or for some purpose or benefit; and
3. That the defendant uses the mail or any means, facility or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense.

**18 U.S.C. § 2, Aiding and Abetting**

1. That the offense of a hate crime was committed by some person;
2. That the defendant associated with the criminal venture;
3. That the defendant purposefully participated in the criminal venture; and
4. That the defendant sought by action to make that venture successful.

Respectfully submitted,

BRIT FEATHERSTON  
Acting United States Attorney

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/s/  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed via electronic filing to defense counsel on September 12, 2017.

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/s/  
TRACEY M. BATSON